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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,020	08/25/2000	Andrew Eric Wildman	006593-1880	4563

33375 7590 12/22/2003

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DAYTON, OH 45402-1758

EXAMINER
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ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/648,020

Applicant(s)

WILDMAN, ANDREW ERIC

Examiner

Niki M. Eloshway

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5 and 6 is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardo (U.S. 4,498,695) in view of Piotrowski et al. (U.S. 6,244,457). Pardo discloses the claimed invention except for the spacing between the pin and the pin receiving opening. Piotrowski et al. teaches that it is known to provide spacing between a pin and a pin receiving opening to allow for movement of the lid (see col.5 lines 47-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lid assembly of Pardo with spacing between the pin and pin receiving opening, as taught by Piotrowski et al., in order to allow enough play so that the lid can be more self seating, as set forth in col. 10 line 64 through col. 11 line 2 of Piotrowski et al.

Pardo teaches a lid assembly having an elongated arm 18, a lid 16 and a pin 56. The elongated arm 18 is movable between an upward position and a downward position as set forth in col. 5 line 63 to col. 6 line 11. The downwardly extending boss is the downwardly extending wall 60 of the arm shown in figure 4 adjacent lead line 18. The pin receiving opening of the boss is element 62. The lid has a centrally positioned projection 44 with a pin receiving opening at 54. The condensate rim is shown at lead line 64.

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardo (U.S. 4,498,695) in view of Piotrowski et al. (U.S. 6,244,457) and Schuh et al. (U.S. 5,065,887). Pardo

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discloses the claimed invention except for the spacing between the pin and the pin receiving opening and except for the condensation rim only partially circumscribing the central portion of the lid.

Piotrowski et al. teaches that it is known to provide spacing between a pin and an pin receiving opening to allow for movement of the lid (see col.5 lines 47-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lid assembly of Pardo with spacing between the pin and pin receiving opening, as taught by Piotrowski et al., in order to allow enough play so that the lid can be more self seating, as set forth in col. 10 line 64 through col. 11 line 2 of Piotrowski et al.

Schuh et al. teaches that it is known to provide a lid with a condensation rim which does not extend along the entire perimeter of the lid (see element 80). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified system of Pardo with the condensation rim of Schuh et al., in order to prevent liquid from damaging the hinge structure.

#### *Allowable Subject Matter*

4. Claims 1, 2, 5 and 6 are allowed.

#### *Response to Arguments*

5. Applicant's arguments filed September 24, 2003 have been fully considered but they are not persuasive. Applicant states in the response filed September 24, 2003, that "claims 11, 13 and 14 have been amended to further define that the condensate rim of the steam kettle lid does not extend completely around the lid". It is the examiner's position that claims 11 and 13 have not been amended adequately to define that the condensate rim the steam kettle lid does not extend completely around the lid. Claim 11 has been amended to stated that the condensate rim is "located toward only one side portion of the lid". Since a side portion of the lid has not been clearly defined, it can refer to a bottom

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side of the lid. Therefore a condensate rim which extends from the bottom side of the lid meets the limitation that it extends toward only one side portion of the lid. Similarly, claim 13 sets forth that the condensate rim extends from the bottom of the lid "along only the first side portion of the lid". The condensate rim of Pardo extends from a first side portion to the degree a first side portion has been defined in the claim.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in

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the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Niki M. Eloshway/nme  
Patent Examiner  
December 12, 2003



Stephen K. Cronin  
Primary Examiner